

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:22-cv-203-JRG
)	
MICRON TECHNOLOGY, INC.; MICRON)	JURY TRIAL DEMANDED
SEMICONDUCTOR PRODUCTS, INC.;)	
MICRON TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	
)	

**DECLARATION OF MICHAEL R. RUECKHEIM IN SUPPORT OF MICRON
TECHNOLOGY, INC., MICRON SEMICONDUCTOR PRODUCTS, INC., AND
MICRON TECHNOLOGY TEXAS LLC'S OPPOSITION TO NETLIST, INC.'S
MOTION TO COMPEL COMPLIANCE WITH PATENT RULE 3-4(a)**

I, Michael R. Rueckheim, declare as follows:

1. I am an attorney at the law firm of Winston & Strawn LLP, counsel of record for Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, “Micron”) in the above captioned matter. I am a member in good standing of the State Bar of Texas. I provide this declaration in support of Micron’s Opposition to Netlist, Inc.’s (“Netlist”) Motion to Compel Compliance with Patent Rule 3-4(a). I have personal knowledge of the facts stated herein and could and would testify competently thereto if called as a witness in this matter.

2. A true and correct copy of a highlighted excerpt from Netlist’s Infringement Contentions served on September 8, 2022 is attached as **Entry #1 in Exhibit A**.

3. A true and correct copy of a highlighted excerpt from Micron’s Invalidity Contentions served on November 21, 2022 is attached as **Entry #2 in Exhibit A**.

4. A true and correct copy of an excerpt from a January 18, 2023 correspondence from Micron’s counsel to Netlist’s counsel is attached as **Entry #3 in Exhibit A**.

5. A true and correct copy of a highlighted excerpt from a subsequent January 18, 2023 correspondence from Netlist’s counsel to Micron’s counsel is attached as **Entry #4 in Exhibit A**. This was the first time Netlist raised any issues with Micron’s source code production.

6. A true and correct copy of a highlighted excerpt from a February 24, 2023 email correspondence from Netlist’s counsel to Micron’s counsel is attached as **Entry #5 in Exhibit A**.

7. Lead and local counsel for Micron and Netlist met and conferred telephonically on March 9, 2023. I attended the meet and confer.

8. During the March 9, 2023 meet and confer, the sole topic that counsel for Micron and Netlist discussed was whether to proceed with inspection of Micron's source code now.

9. At the conclusion of the March 9, 2023, Micron indicated that it will provide a response by the following day.

10. A true and correct copy of a highlighted excerpt from a March 10, 2023 email correspondence from Micron's counsel to Netlist's counsel is attached as **Entry #6 in Exhibit A.**

11. A true and correct copy of a highlighted excerpt from a March 13, 2023 email correspondence from Micron's counsel to Netlist's counsel is attached as **Entry #7 in Exhibit A.**

12. A true and correct copy of an excerpt from a March 15, 2023 email correspondence from Micron's counsel to Netlist's counsel is attached as **Entry #8 in Exhibit A.**

13. A true and correct copy of an excerpt from a subsequent March 15, 2023 email correspondence from Netlist's counsel to Micron's counsel is attached as **Entry #9 in Exhibit A.**

14. A true and correct copy of a highlighted excerpt from a March 16, 2023 email correspondence from Micron's counsel to Netlist's counsel is attached as **Entry #10 in Exhibit A.**

15. A true and correct copy of an excerpt from a March 20, 2023 email correspondence from Micron's counsel to Netlist's counsel is attached as **Entry #11 in Exhibit A.**

16. A true and correct copy of an excerpt from a March 20, 2023 email correspondence from Micron's counsel to Netlist's counsel is attached as **Entry #12 in Exhibit A.**

17. Netlist's source code reviewer reviewed Micron's source code at Micron's facilities in Boise, Idaho from March 20, 2023 until March 24, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on March 27, 2023, in Corte Madera, California.

By: /s/ Michael R. Rueckheim
Michael R. Rueckheim